



STATE OF MICHIGAN

DEPARTMENT OF HUMAN SERVICES  
LANSING

RICK SNYDER  
GOVERNOR

MAURA D. CORRIGAN  
DIRECTOR

February 25, 2014

The Honorable Bruce Caswell, Chair  
Senate Appropriations Subcommittee on DHS  
Michigan State Senate  
Lansing, Michigan 48933

The Honorable Peter MacGregor, Chair  
House Appropriations Subcommittee on DHS  
Michigan House of Representatives  
Lansing, Michigan 48933

Dear Senator Caswell and Representative MacGregor:

This report is provided pursuant to the Department of Human Services' (DHS) Fiscal Year 2014 Appropriations Act, PA 59 of 2013, Article X, Section 420 (2). This section requires that the prosecuting attorneys association provide a report on the efficacy of the contract required in section 420(1) between DHS and the Prosecuting Attorneys Association of Michigan (PAAM).

The attached report, provided to DHS by PAAM, addresses the reporting requirement. If you have any questions, please contact Cynthia Farrell, Adult Protective Services director, at (517) 335-6311.

Sincerely,

Susan Kangas  
Chief Financial Officer

Attachment: PAAM Elder Justice Efficacy Report  
cc: Senate and House Appropriations Subcommittees on DHS  
Senate and House Fiscal Agencies  
Senate and House Policy Offices  
State Budget Office

# A REPORT ON THE EFFICACY OF THE ELDER JUSTICE/AT-RISK ADULT PROJECT

February 1, 2014

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# **ELDER JUSTICE/AT-RISK ADULT RESOURCE PROJECT FY 2014 ANNUAL REPORT**

The Elder Justice/At-Risk Adult Project (EJP) was formed on October 1, 2012 as a collaborative effort between the Prosecuting Attorneys Association of Michigan and Adult Protective Services to provide training and support for those professionals involved in the investigation and prosecution of the abuse of vulnerable adults throughout the state of Michigan.

This report will highlight the efficacy of this project since the inception. EJP is solving problems, educating people on the issues, offering training to partners serving vulnerable adults, and assisting people as they prepare for the needs of what will soon become two million Michigan citizens. See the Michigan Department of Treasury Office of Revenue and Tax Analysis, August 2009.

[http://www.michigan.gov/documents/treasury/Components of Michigan Income-Effects of An Aging Population 340170 7.pdf](http://www.michigan.gov/documents/treasury/Components_of_Michigan_Income-Effects_of_An_Aging_Population_340170_7.pdf)

Our goals for the first project year October 2012 to October 2013 included:

- ✓ Assist in the completion of a Michigan Model Protocol for the Investigation of Vulnerable Adult Abuse, Neglect and Exploitation
- ✓ Host the first annual Michigan Elder Justice/At-Risk Adult Summit
- ✓ Create a full-day training for developing and implementing a local county protocol
- ✓ Travel throughout the state of Michigan offering free training that includes multi-disciplinary teams,
- ✓ Provide individual assistance to all investigative agencies
- ✓ Develop a listserv to provide a forum for the investigative partners to discuss problems and solutions for current investigations
- ✓ Provide training for victim advocates to ensure that they are prepared to accommodate vulnerable adults as they take advantage of their Crime Victim's Rights.

EJP has met and exceeded all goals set for the first year.

## **TOPICS:**

1. TRAINING & EDUCATION
2. INDIVIDUAL ASSISTANCE
3. COMMITTEES
4. ELDER DEATH REVIEW
5. LISTSERV

6. FUTURE
7. CONCLUSION

### **Elder Justice/At-Risk Adult Training and Workshops**

EJP has created a workshop for protocol development. EJP has also developed and delivered training to victim advocates as they assure that the vulnerable adult receives the crime victim's rights they deserve.

<b>Seminar</b>	<b>Dates</b>	<b>Participants</b>	<b>Objectives</b>	<b>Topics Included</b>
Elder Abuse Training for Law Enforcement  Lansing	10/23/12	Law enforcement officers/first responders	Provided information regarding the growing problem. Review new legislation. Discuss unique aspects of interviewing and investigation	-Elder Abuse -Financial Exploitation -Sexual Assault -Neglect -New legislation -Best practice interview -Evidence collection -Suspicious deaths
Aging Victims: A Growing Problem  Boyne Falls	12/4/12	Prosecutor- based Victim Specialists	Prepare advocates to help the vulnerable victim receive crime victim rights	-Growing Problem -Communication Problems -Hearing solutions -Transportation solutions -Difficult family problems
New Elder Justice Project  Lansing	1/16/13	MI Sheriff's Association	Provide information on the new Elder Justice Project	-Purpose and goals of EJP -Sheriffs are an essential team member - Need for cooperation between the investigative agencies
The Rising Problem of Vulnerable Adult Abuse  Acme	1/30/13	Prosecuting Attorneys	Illustrate the growing problem of elder abuse	-Growing Problem -Solutions -Necessary Changes -Training opportunities -New legislation
The Growing Problem of Elder Abuse  Frankenmuth	4/9/13	Annual Prosecutor Staff Conference	Provided information regarding the growing problem.	-Why the problem is growing --Purpose and goals of EJP -Current efforts to help the vulnerable adult. -How the staff at the prosecutor's office can contribute -Communicating with the Vulnerable Adult.
Victim Needs Assessment  Traverse City	4/26/13	Michigan Sheriffs Association of Victim Advocates Annual Conference	Prepare advocates to help the vulnerable victim receive crime victim rights	- Growing Problem -Communication Problems -Hearing solutions -Transportation solutions -Difficult family problems -Provide interview tools

Domestic Violence and Vulnerable Adult Abuse	5/15/13 5/16/13	PAAM New Prosecutor School	Provide an overview of the problems of domestic violence and vulnerable adult abuse	<ul style="list-style-type: none"> <li>-Unique aspects of the crime</li> <li>-Innovative ways to work with reluctant victims</li> <li>-Current charging options</li> <li>-Current issues</li> <li>-Search warrants</li> <li>-Unique evidence</li> </ul>
East Lansing				

## Summit and Workshops

1. **MICHIGAN ELDER JUSTICE/AT-RISK ADULT SUMMIT-** June 13, 2013. The inaugural summit featured the release of the Michigan Model Protocol for the Investigation of Vulnerable Adult Abuse, Neglect and Exploitation (MI-MVP) by the Director of the Department of Human Services, Maura Corrigan. EJP provided a full day of training and information. The speakers were Kari Sederberg, from the Office of Services to the Aging; Kate White, Elder Law of Michigan; David Leyton, President of the Prosecuting Attorneys Association of Michigan and the Genesee County Prosecutor; Dr. Laura Mosqueda; Sheriff Robert Pickell, Genesee County Sheriff; Ari Seth Cohen, author of *Advanced Style*; Sean Nichol, special agent with the Federal Bureau of Investigation; Cynthia Farrell, Adult Protective Services Program Manager; Catherine Emerson, Resource Prosecutor for the Elder Justice Program; and Dr. Peter Lichtenberg, Wayne State University Law professor.



Dr. Laura Mosqueda, is a world-renowned expert in the area of elder abuse. As the co-director of UC Irvine Center of Excellence on Elder Abuse and Neglect, she offers in-depth insight to the causes and prevention of elder abuse. She has extensive experience developing, implementing and teaching courses on elder abuse for health care providers, social workers, law enforcement officers, judicial personnel, and prosecutors.

More than 320 people attended this event. Of those attending the Summit, ninety-nine percent (99%) of the audience scored the event as good or better. Forty-nine percent (49%) of the audience rated the event as excellent.

Sign in sheets have been present at each conference as required. EJP obtained certification for both CEU and MCOLES credit. Certificates of completion were issued to those seeking credit.

**2. DEVELOPING A PROTOCOL FOR THE INVESTIGATION OF VULNERABLE ADULT ABUSE, NEGLECT AND EXPLOITATION** – Southern Counties, July 16, 2013, Kalamazoo, MI.

This training included:

- |             |            |
|-------------|------------|
| • Kalamazoo | Van Buren  |
| • Cass      | St. Joseph |
| • Berrien   | Calhoun    |
| • Hillsdale | Jackson    |
| • Lenawee   |            |

This is a workshop designed to bring the investigative partners to the table to discuss the development of a county protocol for the investigation and prosecution of vulnerable adult abuse. Each county was invited to provide a team that included: a prosecutor, an APS supervisor, a sheriff's representative, a medical death investigator, representatives from the local police departments, emergency service workers, and any other agency charged with the investigation of vulnerable adult abuse. Ninety-one percent (91%) of attendees rated the conference as good to excellent.

The Elder Justice Project is designed to provide four (4) regional programs that allow the teams to collaboratively identify, investigate and prosecute vulnerable adult abuse and exploitation. (Service 4(b), page 5).

To meet this goal we worked collaboratively with a team of trainers from each of the disciplines to develop this workshop.

**3. SPECIAL NEEDS ASSESSMENT AND PLANNING**, Annual Crime Victim Rights Conference, September 19, 2013, Bay City, Michigan

Provide information and tools to assist vulnerable victims as they move through the criminal justice system

**4. DEVELOPING A PROTOCOL FOR THE INVESTIGATION OF VULNERABLE ADULT ABUSE, NEGLECT AND EXPLOITATION** – Upper Peninsula Counties, October 15, 2013, Marquette, MI.

This training included:

- |            |           |
|------------|-----------|
| • Houghton | Ontonagon |
| • Gogebic  | Iron      |

- Baraga Marquette
- Iron Delta
- Alger Luce
- Schoolcraft

One Hundred percent (100%) of attendees rated the conference as good to excellent.

**5. DEVELOPING A PROTOCOL FOR THE INVESTIGATION OF VULNERABLE ADULT ABUSE, NEGLECT AND EXPLOITATION – Northern Counties of the Lower Peninsula, October 17, 2013, Gaylord, MI.**

This training included:

- Chippewa Mackinaw
- Cheboygan Emmet
- Presque Isle Charlevoix
- Antrim Otsego
- Alpena Montmorency
- Alcona Crawford
- Kalkaska Grand Traverse
- Montmorency

Ninety-four percent (94%) of attendees rated the conference as good to excellent.

**6. BASIC TRAINING FOR VICTIM ADVOCATES, December 11, 2013, Frankenmuth, MI.**

EJP designed this training to help new advocates prepare for the increased number of vulnerable adult victims. EJP provided tools to help them assure that every vulnerable victim receives the Crime Victim's Rights they are entitled to under the law.

**7. DEVELOPING A PROTOCOL FOR THE INVESTIGATION OF VULNERABLE ADULT ABUSE, NEGLECT AND EXPLOITATION – East Central Michigan Counties, January 16, 2014, Bay City, MI.**

This training included:

- Clare Gladwin
- Arenac Isabella
- Midland Bay
- Saginaw Gratiot
- Huron Tuscola
- Sanilac Roscommon
- Ogemaw Iosco

Ninety-nine percent (99%) of attendees rated the conference as good to excellent.

### Speaking Engagements

When Does Breach of a Fiduciary Duty Become A Crime	9/24/13	Investigative Partners	Webinar: Discuss the duty of an agent with a POA. The duty to act is present always	-The duty of an agent -Common law duty -Civil case law defining -When does breach become a crime
Victim Needs Assessment	12/11/13	Basic Training for Victim Advocates	Provide information and tools for to assist the vulnerable victim	Growing Problem -Communication Problems -Hearing solutions -Transportation solutions -Difficult family problems -Provide interview tools
The Key Role of Financial Institutions in the Fight Against Vulnerable Adult Abuse	1/23/14	Local Credit Unions	Illustrate a variety of ways financial institutions can protect vulnerable clients and report abuse	Scope of the Problem -Financial Cost of Crime -New Power of Attorney -Things to report -Graham-Leach-Bailey Act -State Laws

### Consultations

EJP has been able to offer personal assistance to numerous counties from the Upper Peninsula to our southern most counties. This year EJP has been consulted regarding questions such as; criminal charges; when a suspect's actions go beyond merely exercising their constitutional rights to interfering with the investigation of adult protective services worker; which laws are violated if a home care worker photographs and publishes lewd photos of vulnerable adults; forensic accounting for complex embezzlement cases; suspicious death investigations; failure to report a dead body; application of the new laws prohibiting an abuser from inheriting wealth; health care fraud; embezzlement of a joint account, and theft using a power of attorney.

### INDIVIDUAL ASSISTANCE



1. Crawford County – EJP worked to resolve an embezzlement case involving a service worker taking money from a client.



2. Hillsdale County - assist with the investigation of a home care worker taking lewd pictures of a resident with dementia and publishing them to others by means of a cellular telephone. EJP discussed the matter with investigators and APS workers and provided a legal analysis on the topic.



3. Branch County - Traveled to Branch County to consult on the development of the Branch County Protocol for the Investigation of Vulnerable Adult Abuse. EJP provided legal and practical information for the protocol.



4. St. Clair County - Assist St. Clair County with the criminal case involving an 89-year-old mother whose body was found dumped behind the Goodwill store. The new law that requires every person to report a dead body has been particularly helpful to prosecutors at the beginning of an investigation. The daughter of the deceased has been successfully prosecuted and convicted.



5. Dickinson County, Iron Mountain - EJP provided assistance during the investigation of a conservator. EJP provided education and suggestions for action if a conservator is also an abuser.



6. University of Michigan, Geriatric Center and the Institute of Gerontology - Met wit Dr. Raymond Young and Do Jo Wiggins regarding the development of a Center for the Investigation of Elder Abuse and Neglect.



7. Delta County – EJP provided assistance with the investigation of the embezzlement of the assets of a 90-year-old man in Escanaba.



8. Muskegon County - Provide the resources of free certified forensic accounting services for an embezzlement investigation.



9. Wayne State University - Met with Dr. Peter Lichtenberg regarding the development of an assessment tool to determine the financial decision-making ability of the vulnerable adult.



10. Macomb County – EJP offered assistance and research during the preliminary examination of a son accused of keeping his parents held in a filthy, isolated hotel room without proper care.

#### Region VII



11. Region 7 Area on Aging, covering Bay, Clare, Gladwin, Gratiot, Huron, Isabella, Midland, Saginaw, Sanilac and Tuscola counties – EJP provided assistance for the development of a protocol and access to the Michigan Model Protocol.



12. Gogebic County - EJP provided research, trial assistance, and multi-disciplinary assistance during a case investigation.



13. Osceola County – EJP offered assistance and legal support to local police during the investigation of a suspicious death of an elderly woman. This assistance included discussions between law enforcement, APS and prosecution; as well as questions surrounding conservatorship.



14. Ionia County - Provide training material for public education.



15. Midland County – Provide training material for public education



16. State of Michigan – Fraudulent Medical Alert Telemarketing Calls plague older Michigan Citizens. EJP alerted the media and contacted each of the legitimate companies providing medical alert services. After receiving public service announcements from the companies, we notified investigative agencies via the Elder Justice listserv.



17. Benzie County – Provide information and legal support for questions surrounding the new Slayer Statute, which prohibits the abuser from inheriting the estate of the victim.



18. Ingham, Eaton, Clinton, Kalamazoo. Provided assistance to local banking institutions battling the new crime dubbed, “cracking cards,” which primarily involves getting the ATM and PIN number from an individual in exchange for cash, then immediately leaving the jurisdiction and making false transactions at every stop on the way to Detroit or Chicago. Often reaping \$2,000 to \$5,000 per card. Helped to secure the assistance of the state Attorney General in the investigation and prosecution of this scheme.



19. Lansing Police Department – EJP worked with the Lansing Police Department to release a person who was falsely accused by a disabled adult.



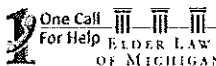
20. Wayne County - Met with the Special Victims Unit of the Wayne County Prosecutors office to discuss the development of an Elder Death Review Team in Wayne County, Michigan.



21. Dearborn Police Department - A Dearborn officer contacted me with concerns that suspicious elder deaths were being ruled “natural” without the appropriate investigation. EJP helped her contact the appropriate authorities to remedy the problem.



22. Genesee county – EJP assisted with the issues surrounding the abuse of a person who is in the process of dying from natural causes.



23. We received a referral from Elder Law of Michigan. The daughter of a vulnerable adult needed answers about crime, law, and how the investigative process was working. We were able to talk to the detective on the case, the reviewing prosecutor and discover the case history. We were able to answer all of the daughter’s questions.



24. Kent County - Met with the Deputy Chief Assistant Prosecutor for Kent County to discuss the formation of a multidisciplinary investigative team and elder death review team.



25. Michigan Sheriff's Association - Met with the victim services unit from the Michigan Sheriffs Association to make them aware of our project and to offer training and services. We received an invitation to speak.

## COMMITTEES

As the resource prosecutor on the Elder Justice Project I serve on the following committees.

1. INGHAM AND THE TRI-COUNTY ELDER DEATH REVIEW TEAM
2. TRI-COUNTY COMMUNITY RESPONSE TO ELDER ABUSE
3. SEAQRT
4. MICHIGAN SUMMIT PLANNING COMMITTEE
5. MICHIGAN ASSOCIATION OF CHECK INVESTIGATORS and TRI-COUNTY LOSS PREVENTION
6. PROJECT ADVISORY COMMITTEE

## CONFERENCES

The service contract requires attendance at major conferences to assure that Michigan is utilizing best practices during the investigation and prosecution of vulnerable adult abuse. During the contract year we attended the following conferences:

**Annual National Adult Protective Services Association**, San Antonio, TX, November 19 – 22, 2013. Attended presentations regarding new and innovative approaches to collaborative investigations, including best practices.

**California District Attorneys Association** in collaboration with the National District Attorneys Association and the National Center on Elder Abuse, annual conference, Orange, CA, December 2-6, 2013. Met with Dr. Laura Mosqueda and Paul Greenwood to discuss current issues for collaborative investigation of vulnerable

adult abuse. Dr. Scott Modell, a featured speaker regarding abuse of vulnerable adults who are not older, agreed to be a speaker at the 2<sup>nd</sup> Annual Elder Justice Summit in Lansing, MI.

### **Technical Assistance**

The EJP provides technical assistance to prosecuting attorneys, adult protective service workers and law enforcement by providing resource material, consultations, newsletters, webinars, and listserv. We also provide the opportunity to help the individual find the person or the resource necessary to solve the problem.

### **Elder Death Review**

A new law allows the local county Medical Examiner to form an Elder Death Review team. The law allows the team to share confidential information when reviewing suspicious deaths. PAAM's Elder Justice Resource Prosecutor serves as the Chair for the Ingham, Eaton and Clinton County Elder Death Review Team. EJP has developed a Confidentiality Agreement and sign-in sheet, as well as a checklist for case review of suspicious deaths. We have also developed a list of criteria for a suspicious death investigation.

### **Listserv**

EJP began a listserv with access limited to agencies and individuals involved in the investigation and prosecution of vulnerable adult abuse. The purpose of the listserv is to provide immediate updates regarding legislation and case law, answer questions regarding current investigations, find solutions to recurring problems, report current scams and to freely share briefs, motions, and information.

The listserv is relatively new. At the end of the first quarter of the project we had 38 subscribers to the listserv. We currently have 93 subscribers. Membership includes; law enforcement, adult protective services, state ombudsman's office, MI Department of Licensing and Regulatory Affairs (LARA), prosecutors, forensic pathologists, and members of American Indian Tribal law enforcement.

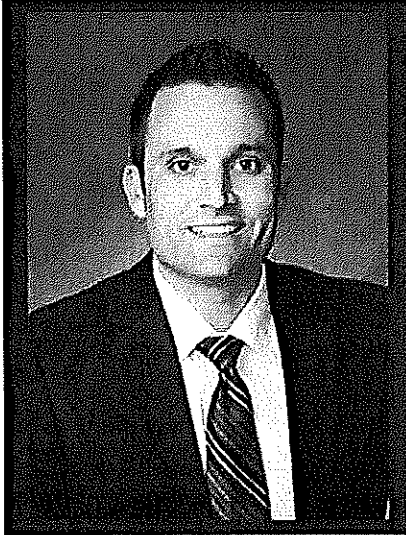
### **Local Vulnerable Adult Abuse Investigation Protocols Created in 2013**

- ❖ St. Joseph County
- ❖ Branch County
- ❖ Calhoun County

## Future

During the October 2013 to October 2014 contract year EJP must provide a yearly summit and four trainings throughout Michigan, as well as continue to provide assistance and consultation. To obtain those goals we have planned the following:

**SUMMIT** – The 2<sup>nd</sup> Annual Michigan Elder Justice/At-Risk Adult Summit is scheduled for Thursday, May 1, 2014 at the Lansing Center, Lansing, MI.



Keynote Speaker:

Dr. Scott Modell  
Tennessee Department of Human Services

Dr. Modell has served as the Director for the California State University Autism Center for Excellence. He has also served as the Deputy Commissioner for the Tennessee Department of Intellectual and Developmental Disabilities; he is currently serving as the Deputy Commissioner for the Tennessee Department of Children Services. He is a nationally recognized speaker.

**TRAINING** – EJP will complete the protocol workshops until all 83 counties have had the opportunity to attend. Future trainings include Central West Michigan and will be held in Grand Rapids on March 20, 2014. A future training in Detroit is TBA.

The second phase of training will focus on investigative issues. The primary audience will be detectives and Adult Protective Services investigators. We will begin phase two of our trainings in July.

## CONCLUSION

Efficacy is the power to produce effect. The effect we have produced in the first quarter:

- Victim/Witness coordinators throughout the state of Michigan are beginning to develop plans to accommodate vulnerable victims during court proceedings.
- Our efforts are allowing victims to be heard. We are offering training designed to help law enforcement, protective services, victim advocates,

financial institutions and prosecutors to communicate with a vulnerable adult.

- Our efforts to form Elder Death Review Teams are literally having an effect on the number of murders being ruled “natural” deaths in Michigan.
- Financial institutions are beginning to require legal durable powers of attorney, which offer safeguards for the vulnerable adult, protecting their wealth and retirement savings. Our work with financial institutions could save the state tax revenues.
- Our work with the prosecutors is encouraging prosecution in areas where it was difficult to prosecute in the past.
- We are helping with prevention. Our efforts are affecting everything from the protection of assets to the avoidance of caregiver stress that leads to abuse. Our community education is bringing an awareness of the problems and existing community resources to the local areas.
- Our training with local law enforcement and community mental health has prepared them to detect and report exploitation and abuse of vulnerable adults

The first year of the Elder Justice/At-Risk Adult Project has been a success. We have been able to connect on a statewide level with bankers, prosecutors, Adult Protective Services, services to the aging, victim advocates and law enforcement. As the project develops we expect to expand our groups.

We have been of tremendous assistance on an individual level: helping solve real problems with detectives, road patrol, prosecutors and citizens. We have provided training and education to the community, victim advocates, and investigative agencies. Our inaugural Michigan Elder Justice/At-Risk Adult Summit surpassed our expectations.

The MI-MVP, the Michigan Model Protocol was created and we have offered training on the development of a local protocol to 53 of the 83 counties in the state of Michigan. We plan to offer the same training to the remaining counties before May 1, 2014.

The Elder Justice Project is raising awareness of the problem we face as our populations ages and we are changing the way Michigan professionals respond to the abuse and exploitation of those adults who can no longer help themselves. EJP is committed to making Michigan a places where vulnerable adults are safe and protected.